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YURI ALVARADO and JESUS MANUEL ROMERO

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

YURI ALVARADO, an individual;
JESUS MANUEL ROMERO, an
individual.

Case No.:

Plaintiffs,

V.

UNITED STATES OF AMERICA; and
DOES 1 to 50, inclusive.

COMPLAINT FOR DAMAGES

COMPLAINT FOR DAMAGES

[JURY DEMANDED]

Defendants.

COME NOW PLAINTIFFS YURI ALVARADO and JESUS MANUEL ROMERO, complaining of Defendants and alleges as follows:

JURISDICTION

1. This action is brought pursuant to the Tort Claims Act, 28 U.S.C. §2671 et seq. Jurisdiction is founded on 29 U.S.C. §§1346(b).

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II.

VENUE

2. Venue is proper in the Central District of California. The motor vehicle accident giving rise to this complaint occurred near Michigan Ave. & Wright Rd., South Gate, CA 90280, which is within the present judicial district. Plaintiffs also reside within this judicial district.

III.

PARTIES

3. Plaintiffs YURI ALVARADO and JESUS MANUEL ROMERO (hereafter “PLAINTIFFS”) are and at all relevant times were residents of Los Angeles County, California.

4. At all times relevant herein, the Defendant UNITED STATES OF AMERICA is a governmental agency.

IV.

FACTS COMMON TO ALL ACTIONS

5. On or about November 27, 2022, Plaintiffs were lawfully operating their vehicle southbound on Wright Rd. near Michigan Ave.. Defendants' employee LESLIE YVONNE FASHEN, operating a U.S. Postal Service mail-delivery truck, operated her vehicle eastbound on Michigan Ave. approaching the same intersection. Defendants' employee LESLIE YVONNE FASHEN failed to stop for the stop sign for her direction of travel and/or yield to traffic and crossed the intersection without caution and in such an unsafe manner that she violently collided with Plaintiffs' vehicle.

6. On said date, LESLIE YVONNE FASHEN, an employee of Defendant UNITED STATES OF AMERICA drove carelessly, negligently and with extreme recklessness, including, but not limited to, failing to stop for the stop sign for her direction of travel and/or yield to traffic and crossed the intersection without caution and in such an unsafe manner

7. In failing to stop for the stop sign for his direction of travel and/or yield to traffic, LESLIE YVONNE FASHEN, an employee of Defendant UNITED STATES OF AMERICA carelessly and negligently struck Plaintiffs' vehicle as it traveled on Wright Rd. near Michigan Ave..

8. On August 27, 2024, the Plaintiffs submitted a claim based on the allegations herein to the UNITED STATES OF AMERICA for administrative settlement. The Defendant UNITED STATES OF AMERICA did not expressly deny the claim and six months have passed. Accordingly, Plaintiffs have complied with the requirements of the Federal Tort Claims Act for the timely filing of claims.

V.

FIRST COUNT/CAUSE OF ACTION

NEGLIGENT OPERATION OF A MOTOR VEHICLE

9. The preceding paragraphs of this Complaint are incorporated by reference.

10. On November 27, 2022, a U.S. Postal Service mail-delivery truck was operated by LESLIE YVONNE FASHEN, a Defendant UNITED STATES OF AMERICA agent or employee as she was in the course and scope of her employment with Defendant UNITED STATES OF AMERICA.

11. LESLIE YVONNE FASHEN, a Defendant UNITED STATES OF AMERICA employee was driving negligently and carelessly, including but not limited to, failing to stop for the stop sign for her direction of travel and/or yield to traffic.

12. Defendant UNITED STATES OF AMERICA and its agents and employees acted carelessly, recklessly, unskillfully, unlawfully, tortiously, wantonly and wrongfully entrusted, permitted, managed, serviced, repaired, inspected, maintained, operated, controlled, and drove the U.S. Postal Service Truck as to proximately cause the same to collide against the vehicle which

1 Plaintiffs, were then operating, as aforesaid, thereby proximately causing the
2 injuries and damages hereinafter mentioned.

3 13. LESLIE YVONNE FASHEN, a Defendant UNITED STATES OF
4 AMERICA employee was also negligent in failing to keep attentive as to her
5 whereabouts and oncoming traffic. Said Defendant knew or should have
6 known that there was oncoming traffic and failing to stop for the stop sign for
7 her direction of travel and/or yield to traffic would be unsafe, all of which
8 negligence, carelessness and recklessness constituted the proximate cause of
9 him striking Plaintiffs' vehicle.

10 14. As a proximate result of each and all of the aforesaid acts and omissions
11 of the Defendants, Plaintiffs were injured about their bodies and its members
12 and were rendered sick, sore, lame and disabled, and was injured in health,
13 strength and activity, a portion of said injuries being permanent. As a result of
14 said injuries, Plaintiffs have had, and in the future will have, physical, mental
15 and emotional pain, suffering, worry and anxiety.

16 15. As a proximate result of each and all of the aforesaid acts and omissions
17 of the Defendants, Plaintiff suffered grave and serious mental anguish, fear,
18 anxiety and illness, a portion of said injuries being permanent. As a proximate
19 result of said injuries and damages, Plaintiffs have had, and in the future will
20 have, physical, mental and emotional pain, suffering, worry and anxiety.

21 16. By reason of said injuries, Plaintiffs have incurred, and probably will
22 incur in the future, hospital, surgical, ambulance, medical, nursing and
23 household expenses, all to their further damage.

24 17. By reason of said injuries, Plaintiffs were unable to do their usual work
25 for a period of time, have been unable to do a portion of their work since that
26 time, will be partially disabled in the future and have sustained damage to their
27 future earning capacity, all to this damages, according to proof.

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18. By reason of said injuries, Plaintiffs have sustained damage to their future earning capacity, all to their further damage, according to proof.
19. As a proximate result of each and all of the aforesaid acts and omissions of the Defendants, Plaintiffs' vehicle sustained damage, according to proof.
20. By reason of said collision, Plaintiffs were deprived of the use of a vehicle for a period of time, all to Plaintiffs' further damage, according to proof.

VI.

PRAYER

WHEREFORE, Plaintiffs demand the following relief, jointly and severally, against all the Defendants;

- a) For damages for injuries sustained due to the negligence of Defendant UNITED STATES OF AMERICA's agents and employees, including past and future medical expenses, lost wages, loss of earning capacity, pain and suffering, mental anguish, and all other appropriate damages resulting from his injuries.
- b) Costs of suit necessarily incurred herein; and
- c) Such further relief as the Court deems just or proper.

DATED: February 3, 2025

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JURY TRIAL DEMANDED

Plaintiff demands trial by jury of all issues so triable.

DATED: February 3, 2025

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